

STATUTORY INSTRUMENTS

2016 No.....

The Uganda National Bureau of Standards (Enforcement of Compulsory Standard Specifications) Regulations, 2016

IN EXERCISE of the powers conferred upon the Minister by section 43 of the Uganda National Bureau of Standards Act, CAP 327 of the Laws of Uganda as amended, these Regulations are made this -----.

1. Title

These Regulations may be cited as the Uganda National Bureau of Standards (Enforcement of Compulsory Standard Specifications) Regulations, 2016

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Act**” means the Uganda National Bureau of Standards Act, Cap 327 as amended

“**applicant**” means the importer, manufacturer, requiring a distinctive mark.

“**assessment**” means a systematic and independent examination to determine whether compulsory standard specifications requirements have been met ;

“**authorization**” means grant of permission, either through issuance of a permit or any other prescribed means, to use the distinctive mark on a product.

“**bureau**” means Uganda National Bureau of Standards

“**certification**” means the issue of a statement by a third party, based on a decision following assessment and review, that fulfillment of specified requirements of a product, process or system has been demonstrated;

“**certification body**” means an organization that provides certification services;

“**certification scheme**” means a certification system related to specified products to which the same specified requirements, specific rules and procedures apply;

“**commodity**” means any article or product which is or will ultimately be the subject of trade or use.

“**compulsory standard specification**” means the standard specification declared as such under section 18;

“**conformity**” means fulfillment of specified requirements;

“consignment” means an aggregation of product made under a common system of causes and presented for inspection

“distinctive mark” means a mark declared as such under Section 18 of the Act.

“distributor” means any natural or legal person in the supply chain other than the manufacturer or importer, who makes a product covered under compulsory standard specifications available on the Ugandan market.

“executive director” means the Director of the UNBS as defined under section 11 of the Act

“importer” means any natural or legal person established within Uganda, who brings into Uganda product covered under compulsory standard specifications from another country .

“inspector” means a person appointed as such under section 13 of the Act.

“inspection” means the examination of product design, product, process or its installation and determination of its conformity with specific requirements

“inspection report” means a report compiled by the inspector or the inspection team detailing the findings of the inspection.

“manufacturer” means any natural or legal person who manufactures a product covered under compulsory standard specifications using their own or outsourced manufacturing facilities.

“permit” means a document issued by UNBS to a company authorizing it to use a certification or distinctive mark on its commodity, in accordance with the rules of the mark.

“permit holder” means a person/s granted a permit by UNBS to use the distinctive mark.

“quality” means degree to which inherent characteristics of an object fulfil requirements.

“quality management” means management with regard to quality that can include establishing quality policies and quality objectives, and processes to achieve these quality objectives through quality planning, quality assurance, quality control and quality improvement;

“supplier” means any manufacturer, importer, or provider who puts a commodity into circulation on the market;

“surveillance audits” means periodic evaluation of a permit holder’s quality control system to determine conformity with a relevant standard and the terms and conditions of the permit;

3. Marking or applying a distinctive mark on a commodity

- 1) An importer, or manufacturer of any commodity for which a compulsory standard specification has been declared shall ensure that the commodity bears a distinctive mark specified in **schedule 1**
- 2) A commodity covered by compulsory standard specifications shall only be placed on the market for sale when it bears the distinctive mark.
- 3) The Director shall grant the permit to use the distinctive mark on a commodity for which a compulsory standard specification has been declared to a manufacturer or importer after all the requirements of this regulation have been met.

4. Prohibition regarding manufacture, import, storage, sale and distribution

- 1) No person shall manufacture or store for sale, import, sell or distribute any commodity covered by a compulsory standard specification unless:-
 - a) The commodity conforms to the specified relevant standards;
 - b) The commodity bears the distinctive mark specified in **schedule 1**

5. Registration and authorization to use distinctive mark

- 1) An importer or manufacturer who intends to bring into the country or manufacture a commodity covered by a compulsory standard specification in Uganda shall apply to the bureau to be registered and authorized to use the distinctive mark.
- 2) **Domestic manufacturer:-**
 - (a) A domestic manufacturer of a commodity that falls within the category specified in **Schedule 2&3** shall apply to the bureau to be registered and for the grant of a permit to use the distinctive mark within 60 days of the coming into force of these regulations or before commencement of production.
 - (b) The domestic manufacturer shall be required to register with the bureau whether or not the commodity is sold in the local market.
 - (c) An application for registration and grant of a permit to use the distinctive mark shall be made in the form specified in **schedule 4**
 - (d) the bureau or an accredited body appointed by the bureau shall carry out conformity assessment of the manufacturing facility and of all goods covered by a compulsory standard specification(s) to verify that the production and quality assurance processes and commodities conform to the requirements of the compulsory standard specification(s) and any other terms and conditions.
 - (e) The applicant for the distinctive mark shall provide all reasonable facilities to the inspector to conduct assessment of the product(s), the manufacturing facility or other

premises of the applicant for the purpose of verifying the documents submitted by the applicant and of obtaining such other information as is relevant to the application.

(f) The manufacturer shall use the distinctive mark as specified in **schedule 1**.

(g) The bureau shall maintain and publish a register of manufacturers registered and authorized to use the distinctive mark on its website.

3) Foreign manufacturer:-

(a) A foreign manufacturer of a commodity falling within a category specified in **Schedule 2** shall apply to the bureau to be registered and for the grant of a permit to use the distinctive mark within 60 days of the coming into force of these regulations or before placing the products in the market.

(b) An application for registration and grant of permit to use the distinctive mark shall be made in the form specified in **schedule 4**

(c) the bureau or an accredited body appointed by the bureau shall carry out conformity assessment of the manufacturing facility and of all goods covered by compulsory standard specifications to verify that the production and quality assurance processes and commodities conform to the requirements of the compulsory standard specification(s) and any other terms and conditions.

(d) The applicant for the distinctive mark shall provide all reasonable facilities to the inspector to conduct assessment of the product(s), the manufacturing facility or other premises of the applicant for the purpose of verifying the documents submitted by the applicant and obtaining such other information as is relevant to the application.

(e) The manufacturer shall use the distinctive mark as specified in **schedule 1**

(f) The bureau shall maintain and publish a register of foreign manufacturers registered and authorized to use the distinctive mark on its website;

4) Importer:-

(a) An importer of a commodity that falls within a category specified in **Schedule 2** is required to register with the bureau and produce documentary proof that the manufacturer of the commodity is registered and authorized to use the distinctive mark by the bureau.

(b) An Importer of a commodity specified under **schedule 3** shall apply to the bureau to be registered and authorized to use the distinctive mark before importing the commodities.

(c) The application for registration and grant of permit to use the distinctive mark shall be made in the form specified in **schedule 5**.

(d) The application shall be made for each consignment.

(e) Importers shall use the distinctive mark specified in **schedule 1**.

- (f) The bureau through its appointed agents shall carry out conformity assessment of all commodities before they are loaded for importation.
- (g) The bureau shall issue successful applicants distinctive mark stickers corresponding to the number of product units (primary units) for each product that meets the requirements of the standards in any one single consignment.
- (h) No commodity covered by compulsory standard specification shall be imported into the Ugandan market unless it bears a distinctive mark sticker issued by the bureau.

5) Testing of samples

- (a) Where any samples are required for making an assessment under this regulation, an applicant shall provide all reasonable facilities and assistance to inspectors to draw and get samples of the product for testing by the Bureau or such other testing laboratory designated in writing by the Bureau as a testing laboratory.
- (b) The cost of transporting any sample, instrument, equipment, apparatus, material, any test conducted or any other expense incurred in connection with the assessment under this regulation shall be borne by the applicant.

6. Application of a distinctive mark on a commodity

- 1) The distinctive mark shall be applied to a commodity in a visible, legible and indelible manner and shall be in the form specified in ***schedule 1***.
- 2) The distinctive mark shall be applied before the commodity is placed on the market.
- 3) The distinctive mark may be enlarged or reduced to an appropriate size, provided that its dimensions conform to the specifications in the ***Schedule 1***.
- 4) The manufacturer or importer shall provide the importer or distributor or other party along the value chain of its commodities the reference number of the authorization to use the distinctive mark in writing or a copy of the authorization, and the importer or distributor shall produce the reference number or copy of authorization to the Director whenever requested to do so.

7. Terms of use of a distinctive mark

- 1) A permit holder shall not use a distinctive mark other than in accordance with the terms and conditions of his or her authorization.
- 2) The permit holder shall :-
 - a. ensure that the product in respect of which a distinctive mark has been authorized for use conforms at all times to the relevant standard specification,
 - b) maintain a complete and up-to-date record of a system of control, including inspection and testing, for the purpose of establishing, to the satisfaction of

- the bureau, that the system of control is being consistently maintained; every such record shall be made available for inspection by an inspector and the permit holder shall, at the request of the inspector, permit the removal of the record to the premises of the bureau for closer scrutiny;
- b. affix the distinctive mark only on a product covered by a valid authorization;
 - c. give the inspector access to the premises where the product specified in the permit is manufactured for the purpose of evaluating materials, production processes, finished product, quality assurance facilities, records and others in accordance with the guidelines as issued by the bureau;
- 3) A manufacturer or importer shall establish and maintain a system of product recall, and addressing complaints filed by its clients or consumers concerning its products and shall maintain records thereof.
 - 4) A manufacturer or importer shall ensure that non-conforming products that do not meet compulsory standard specifications are immediately withdrawn from the market and shall be liable for any damage caused by the said product to its consumers.
 - 5) pay the fees and expenses lawfully incurred and levied by the bureau;
 - 6) inform the director of any change in the management of the company or business;
 - 7) in the case of transfer of plant site, give notice within one month before the transfer is implemented, and in such cases the authorization shall be deemed valid only after factory and product assessment and evaluation of factory facilities at the new site by the inspector show continued compliance with the bureau's requirements and final approval by the director;
 - 8) upon suspension, or cancellation of the authorization, discontinue its use and immediately withdraw all promotional and advertising material containing any reference to that authorization;
 - 9) notify the director any intended modification in the product or manufacturing process within one month before any such modifications

8. Suspension of permit

The Council shall suspend the permit to use a distinctive mark under the following circumstances:-

- a) Where the commodity does not conform to the compulsory standard specifications;
- b) Where the importer, or manufacturer has failed to take the requisite corrective action;
- c) Where the importer, or manufacturer uses the distinctive mark and registration number in violation of the authorization;
- d) Where the importer, or manufacturer applies for temporary withdrawal.

9. Cancellation of permit

The Council shall cancel the authorization under the following circumstances where:-

- a) The importer, or manufacturer fails to comply with the conditions of the authorization;
- b) The product is non-compliant to compulsory standard specifications
- c) There are changes or modifications in the technical regulations, compulsory standard specifications or any other applicable regulations to a standard and the product does not meet the new requirements;
- d) The importer, or manufacturer fails to apply for the renewal of the authorization;
- e) The production of the commodity has terminated.
- f) The importer or manufacturer applies to cancel the authorization.
- g) The product has caused an accident;
- h) The product is not identical to the sample product provided by the applicant;
- i) The applicant did not abide by the rules of suspension in the case of a suspension;
- j) An applicant obtained the authorization through an improper manner such as bribery or fraud;
- k) Other circumstances under the law under which the authorization should be cancelled;

10. Refusal to grant permit

The director may refuse to grant or renew a permit to use a distinctive mark where the requirements under 5, 6 and 7 have not been met.

11. Opportunity of applicant to be heard

- 1) Where the director has refused to grant or renew a permit to use a distinctive mark under regulation 10 of these Regulations, the director shall state the reasons for the refusal in writing and shall give the applicant an opportunity to be heard.
- 2) After the hearing under regulation 11(1), the director shall decide whether or not to grant or renew the authorization.

12. Renewal of Permit to use a distinctive mark

- 1) A manufacturer of any commodity for which a compulsory Standard specification has been declared shall apply to the bureau for the renewal of the permit to use the distinctive mark at least three (3) months before the expiry of the period for which the authorization was granted.

- 2) The director may, on an application by the applicant, renew the permit to use the distinctive mark for a further period of twelve months on being satisfied with the following:-
 - a) that the product in respect of which a renewal of the authorization is sought conforms to the relevant compulsory standard specifications specification; and
 - b) the applicant has in operation, during the period for which the authorization is granted, a scheme of operation and testing which adequately ensure that the product conforms to the relevant standard
- 3) Upon the grant of a permit to use the distinctive mark, the applicant shall comply with the requirements of regulation 7 above.

13. Surveillance audits

- 1) The grant of a permit to use a distinctive mark shall be followed by surveillance audits.
- 2) The frequency and extent of audits shall be as determined by the bureau.
- 3) The surveillance audits may be without notice to the authorization holder to ensure that the systems and procedures already assessed are being maintained.
- 4) The special surveillance audit shall be necessary where the authorization holder fails to observe the conditions of the permit or where there have been significant changes in the organization of the permit holder.

14. Administrative Sanctions

An importer or manufacturer, whose commodities do not comply with the compulsory standard specifications shall at his/her expense:-

- a) remove the goods from the market;
- b) destroy the goods within 28 working days from date of receipt of the directive by the bureau to do so,

15. Fees payable

The fees and charges payable to the bureau for the application for grant of permit to use the distinctive mark shall be as specified in **Schedule 6**.

16. Offences and penalties

1) A person who:–

- a) uses the distinctive-mark without a permit from the bureau
- b) falsely represents any product to be a product that complies with the provisions of these regulations whereas not;

Commits an offence

- 2) Any person who is convicted of an offence under these regulations shall be liable on conviction of such fine or terms of imprisonment or both as prescribed by the Act.

17. Appeals

A person who is aggrieved by a decision of the bureau in execution of these regulations, may appeal as provided for under section 25 of the UNBS Act CAP 327 as amended.

SCHEDULE 1
distinctive mark



SCHEDULE 2

Categories of commodities covered by compulsory standards that require registration of manufacturing facility and certification of commodities before manufacture or importation

1. Reinforcing and Pre-stressing Steel for Concrete
2. Structural Steel Products
3. Roof Covering Steel Products
4. Cement, Building Lime and Other Hydraulic Binders
5. Pneumatic Tyres and Tubes for Automotive Vehicles and Trailers
6. Protective Safety Equipment
7. Gas cylinders, Valves and Regulators
8. Power cables and Luminaries (Lighting Equipment)
9. Electronic, Sound and Communication Equipment
10. High Risk Foods and Food Products
11. High Risk Chemical Products, Personal Hygiene and Consumer Goods
12. Neutral spirit for manufacture of gins and alcoholic beverages

SCHEDULE 3

Categories of commodities covered by compulsory standards that require registration of manufacturing facility and certification of commodities before manufacture for local manufacturers, but may not require registration of manufacturing facility before importation

1. Toys
2. Electrical and Electronics
3. Automotive Products and Inputs
4. Chemical Products
5. Mechanical Materials and Gas Appliances
6. Textile, Leather, Plastics and Rubber
7. Furniture (wood and metal articles)
8. Paper and Stationery
9. Protective Safety Equipment
10. Food and Food Products
11. Used Products, including used Motor Vehicles.

SCHEDULE 4

Application Form for registration and authorization to use distinctive mark for Manufacturers

A. APPLICANT'S INFORMATION			
1. NAME AND ADDRESS OF APPLICANT			
Company Name			
Company Tax Identification Number (TIN)			
Business Registration		<i>Please attach certificate of registration of business</i>	
COMPANY ADDRESS	Office Address	Factory/Manufacturing facility Address	
		<i>Name of production facility (if different)</i>	
District			
Physical address			
Postal address			
Email address			
Tel. contact(s)/fax			
Website			
Personnel details	<i>More information in Annex 5</i>		
	Chief Executive	Quality Control In-charge	
Name			
Designation			
Mobile number			
Email address			
Number of staff			
Production capacity			
Installed capacity	Actual capacity	Annual Turnover	
B: PRODUCT INFORMATION			
<p><i>Information on product intended for certification is deemed mandatory.</i></p> <p><i>Where applicable, name of product, its type(s) and/or mode(s) shall follow as specified in the standard.</i></p> <p><i>The applicant is required to declare proof of ownership of the trademark /brand name or provide a letter of consent from the owner of the trademark/ brand name.</i></p>	Product Name		
	Trademark/ Brand Name(s)		
	Product Description		
	Product Standard		
	For Equipment/ Electric/ Electronic Products	Type(s)	
		Model(s)	
Rating(s)			
Size(s)			
FOR OFFICIAL USE ONLY			
Sector Code:		UNBS RECEIVED STAMP	
Lead Auditor Allocation:			
C: TECHNICAL & ADDITIONAL INFORMATION			
Raw materials	List all components and/or raw materials used to assemble or manufacture the product – Annex 1.		
Process flow & Description	Draw the process flow chart and identify the quality check points; provide a brief process description - Annex 2.		

Quality control	Prepare a quality control check points schedule - Annex 3.		
Test equipment	Prepare test and inspection equipment list and calibration/ verification schedule – Annex 4.		
Additional information	<ul style="list-style-type: none"> • Company organization chart& names and qualifications of production & QC personnel Annex 5. • Documented procedures describing how non-conforming purchased raw materials and finished products are identified, recorded and handled Annex 6. • Documented procedure describing how customer complaints are recorded and handled Annex 7. • Production flow/process layout Annex 8. • Product analysis reports Annex 9. • Product Labels and Markings Annex 10. • Any other sector specific requirements Annex 11. 		
D: DECLARATION AND UNDERTAKING			
In connection with this application, I/We:			
a) Undertake to ensure the product manufactured and the manufacturing processes comply with the relevant standard and the product certification requirements respectively.			
b) Undertake to supply all information required by UNBS for the purpose of evaluation of the product(s) to be certified;			
c) Undertake to make samples of product(s) and materials available to UNBS for evaluation and testing;			
d) Agree to give the auditors reasonable access during normal working hours to the premises wherein the product specified in the application is manufactured for the purpose of evaluating materials, production processes, finished product, quality assurance facilities, records;			
e) Undertake to pay UNBS all costs of processing this application and maintenance of certification;			
f) Agree that UNBS may release information obtained in the course of processing the application to the public or government authorities so far as is prudent to warn in the opinion of UNBS. The client shall be informed accordingly prior to release of any information.			
g) Undertake to sign the UNBS Product Certification Agreement before grant/renewal of the certification license.			
h) I/We also undertake not to involve UNBS, its directors, officers and authorized representatives in any legal proceeding on any disputes between us and other parties.			
I, hereby, declare that all information given in this application form is correct to my knowledge.			
An authorized representative of the applicant shall put his signature in this section	Signature		Applicant's stamp
	Name		
	Designation		
	Date		

Please return form duly completed to:

Certification Division,
Uganda National Bureau of Standards,
Bypass Link Bweyogerere Industrial Area & Business Park, Kyaliwajala Road, Bweyogerere, Buto,
P.O. Box 6329, Kampala, Uganda.
Tel. 041-222367, 041-505995, 031-262688; Fax 041-286123

SCHEDULE 5

Application form for registration and authorization to use distinctive mark for Importers

IMPORT STANDARDIZATION MARK (ISM) APPLICATION FORM

The Executive Director,
Uganda National Bureau of standards,
P.O. Box 6329,
KAMPALA.

CUSTOMS ENTRY NUMBER <i>(Not applicable for licensed goods)</i>	
IDF NUMBER <i>(Not applicable for licensed goods)</i>	
CERTIFICATE OF CONFORMITY (COC) NO. <i>(For goods accompanied with COC)</i>	
TEST REPORT NO. <i>(For goods subjected to destination inspection)</i>	
LICENCE CERTIFICATE NO <i>(For licensed products - route C of the PVOC program)</i>	

S/N	Description of the commodity upon and in respect of which the Import standardization mark is to be used	Trade mark or brand which is in use in respect of the commodity	Quantity
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Name of Importer..... Postal address.....Email.....
Physical address.....
Tel.....
Contact
Person.....Designation.....

It is hereby certified that the information supplied herein by the undersigned is true and correct. The undersigned agrees to abide by the Terms and Conditions stipulated at the back of this form

Signature.....Date.....

Attachments (Tick as appropriate)	FOR UNBS USE ONLY
<input type="checkbox"/> <input type="checkbox"/> Packing list. <input type="checkbox"/> Customs Entry <input type="checkbox"/> Import <input type="checkbox"/> Declaration Form (IDF)	Application Received and Checked by.....
<input type="checkbox"/> <input type="checkbox"/> Certificate of Conformity (CoC) <input type="checkbox"/> Test <input type="checkbox"/> Report <input type="checkbox"/> PVoC <input type="checkbox"/> License	No. of ISM stickers.....Printed
<input type="checkbox"/> <input type="checkbox"/> Copy <input type="checkbox"/> of receipt of payment for ISM Stickers <input type="checkbox"/> Copy <input type="checkbox"/> of receipt of PVoC penalty (where applicable)	Amount paid.....R
	Amount received.....R
	ISM Stickers checked and released by.....

NOTE:

1. Payment shall be made at the time of filing the application
2. Fill each consignment on separate form

TERMS AND CONDITIONS

1. The Importer shall affix the ISM only on certified products.
2. The Importer shall establish and maintain a system of product recall, and addressing complaints filed by its clients or consumers concerning its certified products and shall maintain records thereof.
3. The Importer shall ensure that its certified product conforms at all times to a specified standard and shall be liable for any damage caused by the said product to its consumers.
4. The importer shall pay the applicable fees and charges as billed by UNBS.

SCHEDULE 6

FEES AND CHARGES FOR USE OF A DISTINCTIVE MARK

A) Manufacturers

S/N	FEES CATEGORY	AMOUNT/RATE
1.	Application fee	Local Cos.: - UShs. 100,000 SMEs:- Free Offshore Cos.: - USD 100
2.	Audit fees (including Travel & subsistence)	Cos. Within Kampala: - 1,000,000; Up-country Cos.: - 1,500,000 Offshore Cos.: USD 3000 + Air Ticket
3.	Testing charges for independent testing	Variable
4.	Annual permit fees	SMEs: - UShs350,000 per product brand Large: - UShs 800,000 per product brand Offshore: - USD 2,000 per product brand
5.	Marking fees	

B) ISM

UShs 15 per Distinctive Mark sticker or 0.5% of cost of product